

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 06, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Gary Lee Day, II

Case Number: 0980 2:18CR00158-SAB-1

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 7, 2019

Original Offense: Crime on Indian Reservation, Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§
113 (a)(6) and 1153Original Sentence: Prison - 50 months Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison - 6 months
(January 19, 2024) TSR - 30 months

Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: June 12, 2024

Defense Attorney: Federal Defenders Office Date Supervision Expires: December 11, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/27/2024.

Mr. Day's conditions of supervised release were reviewed with him on June 20, 2024, and he acknowledged an understanding of the terms and conditions of his supervised release

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Standard Condition # 9: If you are arrested or questioned by a law enforcement officer you must notify the probation officer within 72 hours.

Supporting Evidence: It is alleged that Mr. Day has violated the conditions of his supervised releasing by failing to report that he was arrested within 72 hours after he was arrested by the Colville Tribal police on August 21, 2024.

On August 21, 2024, at approximately 11:25 p.m., per a statement of probable cause on Colville Tribal case number 24-1800, Mr. Day was arrested for allegedly committing the criminal offense of abuse of a vulnerable adult. On August 27, 2024, Mr. Day was released from custody and he has failed to contact the undersigned to report that he was arrested on August 21, 2024.

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Standard Condition #5: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 calendar days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: It is alleged that Mr. Day has violated the terms and conditions of his supervised release by failing to report a change of address and/or his living arrangements on or about August 27, 2024.

On August 27, 2024, Mr. Day released from Colville Tribal custody and he was served with documents from the Colville Tribal Court noting an Order to Show Cause hearing was set for September 10, 2024, and that he was prohibited from coming within 1,000 feet of his grandmother. Mr. Day was previously approved to reside at his grandmother's residence. On September 4, 2024, the undersigned spoke with Mr. Day's grandmother and she reported that she has not spoken with Mr. Day since he was released on August 27, 2024, and that he is no longer residing at her address. Since being released from custody on August 27, 2024, Mr. Day has failed to contact the undersigned in any manner to report a change of address and/or a change in his living arrangements. Mr. Day's whereabouts are currently unknown and he appears to be evading supervision.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 5, 2024

s/Jonathan C. Bot

Jonathan C. Bot
U.S. Probation Officer

THE COURT ORDERS

- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.



Signature of Judicial Officer

9/6/2024

Date